

AMENDED IN SENATE MAY 8, 2003

AMENDED IN SENATE APRIL 22, 2003

**SENATE BILL**

**No. 208**

**Introduced by Senator Kuehl**

February 13, 2003

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An act to add ~~Section~~ *Sections 25279.3 and 114716* to the Health and Safety Code, relating to radiation.

LEGISLATIVE COUNSEL'S DIGEST

SB 208, as amended, Kuehl. Radiation: contamination.

~~(1) The~~

*The* existing Radiation Control Law requires the State Department of Health Services, among other things, to issue licenses, and prohibits the state department from issuing a license to receive radioactive material for disposal on land unless specified requirements are satisfied. Existing law prohibits any person from burying, throwing away, or disposing of radioactive waste except in a manner that will result in no significant radioactive contamination of the environment.

This bill would require the ~~department~~ *State Department of Health Services* to direct a person who owns or operates the Santa Susana Field Laboratory in Ventura County to establish and use thorough and rigorous monitoring of the site using best available technology, equipment, and methodology, as specified, to provide assurance that all residual radioactive contamination is identified.

The bill would require ~~the owner or operator of the site to clean up the site until it meets specified cancer risk standards, before selling, transferring, or leasing the site for a subsequent land use that before a person sells, transfers, or leases the site for any subsequent land use,~~

*the State Department of Health Services certify that the radioactive contamination has been remediated. The bill would prohibit the State Department of Health Services from certifying that the site is remediated unless the remediation is conducted pursuant to the specified standards, guidance, procedures, and practices. The bill would require a person who removes material from that site that has radioactive contamination above background to transfer the material to a disposal facility specifically licensed for that type of waste.*

*The bill would provide that if Senate Bill 201 is enacted and becomes effective on or before January 1, 2004, the Department of Toxic Substances Control would instead implement the bill's provisions.*

*The bill would make legislative findings and declarations regarding the necessity of a special statute.*

*Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.*

*The people of the State of California do enact as follows:*

1     SECTION 1. *Section 25279.3 is added to the Health and*  
2 *Safety Code, to read:*  
3     25279.3. *On and after January 1, 2004, the department shall*  
4 *impose the following conditions on the site consisting of all parcels*  
5 *of land that comprise the Santa Susana Field Laboratory in*  
6 *Ventura County:*  
7     (a) *The owner or operator of the site shall establish and use*  
8 *thorough and rigorous monitoring of the site using best available*  
9 *technology, equipment, and methodology, to provide a high*  
10 *assurance that all residual radioactive contamination is*  
11 *identified. The monitoring required pursuant to this subdivision*  
12 *shall be consistent with those measures provided in the United*  
13 *States Environmental Protection Agency's September 2001 Draft*  
14 *Scoping Document for Development of Workplan for a Soil*  
15 *Radiation Survey of Santa Susana Field Laboratory Area IV, and*  
16 *shall consist of at least 80 percent of the amount of surface and*  
17 *subsurface soil samples identified in that document.*  
18     (b) *Before a person may sell, transfer, or lease the site for any*  
19 *subsequent land use, the department shall certify that the*  
20 *radioactive contamination has been remediated. The department*  
21 *may not certify that the site is remediated unless the remediation*  
22 *is conducted pursuant to the standards, guidance, procedures, and*

practices established by the EPA for sites with radioactive contamination being remediated pursuant to CERCLA. The department shall require that buildings on the site with radioactive contamination to be remediated employing the EPA CERCLA risk range and point of departure, the EPA criteria for determining whether and how far to permit falling back from the risk point of departure, and other applicable EPA standards, guidance, procedures, and practices.

(c) All material that is removed from the site and has radioactive contamination above background shall be transferred to a disposal facility specifically licensed for that type of waste by any of the following:

(1) The department, pursuant to Chapter 6.68 (commencing with Section 25271).

(2) The Nuclear Regulatory Commission.

(3) A state that has entered into an agreement pursuant to Section 2021 of Title 42 of the United States Code.

(4) An authorized disposal site at a Department of Energy facility.

(d) For purposes of this section, “background” means the local level of radioactivity resulting from all of the following sources of radioactivity:

(1) Materials in nature without enhancement by human activity.

(2) The fallout from nuclear weapons testing.

(3) The local deposition of fallout from past nuclear accidents located elsewhere in the world, including, but not limited to, the nuclear accident in Chernobyl.

SEC. 2. Section 114716 is added to the Health and Safety Code, to read:

114716. On and after January 1, 2004, the department shall impose the following conditions on the site consisting of all parcels of land that comprise the Santa Susana Field Laboratory in Ventura County:

(a) The owner or operator of the site shall establish and use thorough and rigorous monitoring of the site using best available technology, equipment, and methodology, to provide a high assurance that all residual radioactive contamination is identified. The monitoring required pursuant to this subdivision shall be consistent with those measures provided in the United States

1 Environmental Protection Agency's September 2001 Draft  
2 Scoping Document for Development of Workplan for a Soil  
3 Radiation Survey of Santa Susana Field Laboratory Area IV, and  
4 shall consist of at least 80 percent of the amount of surface and  
5 subsurface soil samples identified in that document.

6 ~~(b) Prior to the sale, transfer, or lease of the site for a subsequent~~  
7 ~~land use, the owner or operator of the site shall clean it up to a level~~  
8 ~~that results in a cancer risk no greater than that provided in Section~~  
9 ~~15 of the "Guidance for Cleanup of Radioactivity on Closing~~  
10 ~~Military Bases for Unrestricted Public Use of Property" issued by~~  
11 ~~the Radiological Health Branch of the department on April 5,~~  
12 ~~1994.~~

13 *(b) Before a person may sell, transfer, or lease the site for any*  
14 *subsequent land use, the department shall certify that the*  
15 *radioactive contamination has been remediated. The department*  
16 *may not certify that the site is remediated unless the remediation*  
17 *is conducted pursuant to the standards, guidance, procedures, and*  
18 *practices established by the EPA for sites with radioactive*  
19 *contamination being remediated pursuant to CERCLA. The*  
20 *department shall require that buildings on the site with radioactive*  
21 *contamination to be remediated employing the EPA CERCLA risk*  
22 *range and point of departure, the EPA criteria for determining*  
23 *whether and how far to permit falling back from the risk point of*  
24 *departure, and other applicable EPA standards, guidance,*  
25 *procedures, and practices.*

26 (c) All material that is removed from the site and has  
27 radioactive contamination above background shall be transferred  
28 to a disposal facility specifically licensed for that type of waste by  
29 any of the following:

30 (1) The department, pursuant to Chapter 8 (commencing with  
31 Section 114960).

32 (2) The Nuclear Regulatory Commission.

33 (3) A state that has entered into an agreement pursuant to  
34 Section 2021 of Title 42 of the United States Code.

35 (4) An authorized disposal site at a Department of Energy  
36 facility.

37 ~~(d) For purposes of this section, "background" means the local~~

38 *(d) For purposes of this section, the following definitions shall*  
39 *apply:*

1 (1) “Background” means the local level of radioactivity  
2 resulting from all of the following sources of radioactivity:

3 ~~(1)–~~

4 (A) Materials in nature without enhancement by human  
5 activity.

6 ~~(2)–~~

7 (B) The fallout from nuclear weapons testing.

8 ~~(3)–~~

9 (C) The local deposition of fallout from past nuclear accidents  
10 located elsewhere in the world, including, but not limited to, the  
11 nuclear accident in Chernobyl.

12 ~~SEC. 2.—~~

13 (2) “CERCLA” means the Comprehensive Environment  
14 Response, Compensation, and Liability Act of 1980, as amended  
15 (42 U.S.C. Sec. 9601 et seq.).

16 (3) “EPA” means the federal Environmental Protection  
17 Agency.

18 SEC. 3. Section 1 of this bill shall become operative only if  
19 Senate Bill 201 is enacted and becomes effective on or before  
20 January 1, 2004, in which case Section 2 of this bill shall not  
21 become operative.

22 SEC. 4. The Legislature finds and declares that a special law  
23 is necessary and that a general law cannot be made applicable  
24 within the meaning of Section 16 of Article IV of the California  
25 Constitution because of the unique circumstances regarding  
26 radioactivity at Santa Susana Field Laboratory in Ventura County.

